

GOVDOC

BRA

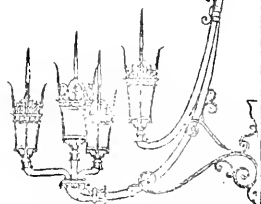
3133

BOSTON PUBLIC LIBRARY



3 9999 06583 314 5

BOSTON
PUBLIC
LIBRARY



PLAN TO MANAGE GROWTH

DRAFT FOR DISCUSSION PURPOSES ONLY

ROXBURY

PROPOSED ZONING

GOV DOC

BRA

3133



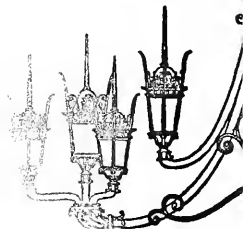
CITY OF BOSTON
Raymond L. Flynn, Mayor

ROXBURY NEIGHBORHOOD COUNCIL

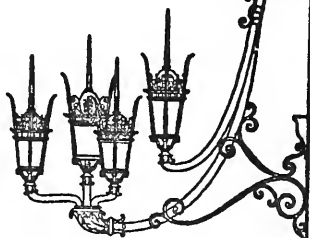
BOSTON REDEVELOPMENT AUTHORITY
Stephen Coyle, Director

Summer 1990

BOSTON
PUBLIC
LIBRARY



**BOSTON
PUBLIC
LIBRARY**



M E M O R A N D U M

TO: Stephen Coyle
FROM: Linda Bourque
DATE: August 31, 1990
SUBJECT: Roxbury Neighborhood Zoning

Attached is the latest draft of the Roxbury Neighborhood Zoning. We have a briefing/discussion scheduled for September 5 at 12:00 noon with the business community (New Market Business Association, Grove Hall CDC, DSNI, Dudley Square Merchants, Minority Developers Association). A community meeting is scheduled for September 11 at 6:30 p.m. It is probable that the RNC will vote at that meeting to ask us not to move the zoning to the BRA Board until they have reviewed the Plan.

We have completed a rough draft of the Plan and hope to have a preliminary draft for review by your office within a week.

Attachment

cc: Ted Chandler
David Keto
Sheila Maith
Ellen Pinkos-Cobb
Rick Shaklik

Digitized by the Internet Archive
in 2010 with funding from
Boston Public Library

<http://www.archive.org/details/plantomanagegrowroxbost>

BOSTON
REDEVELOPMENT
AUTHORITY

Raymond L. Flynn
Mayor

Stephen Coyle
Director

One City Hall Square
Boston, MA 02201
(617) 722-4300

July 24, 1990

Chuck Turner, President
Roxbury Neighborhood Council
149 Roxbury Street
Roxbury, MA 02119

Dear Chuck:

On behalf of the Boston Redevelopment Authority, I am pleased to see that the process of developing new zoning for Roxbury is coming to closure.

This draft Article for the Roxbury Neighborhood District is the product of over three years of community meetings involving hundreds of community residents, and as a result, represents the vision of the community for Roxbury in the 1990's and beyond. Your efforts in this regard are to be applauded.

This is the first major neighborhood article to be completed, bringing the IPOD process to a close. You should be proud that Roxbury is taking the lead among all of Boston's neighborhoods in providing for community participation in planning development and growth.

I look forward to bringing the Roxbury Neighborhood District Article to the Zoning Commission with you for final approval in the next few months.

Very truly yours,



Stephen Coyle



TO: Roxbury Neighborhood Council

FROM: Linda Bourque, Assistant Director for
Neighborhood Planning and Zoning



DATE: July 24, 1990

RE: Proposed Roxbury Zoning

I am pleased to present, for your consideration, the draft of the Roxbury Neighborhood District Zoning Article. This Article will serve as the framework for managing growth throughout Roxbury. The policies embodied in this zoning reflect a balancing of economic development, residential development, and open space. This balance will facilitate the development of Roxbury to provide quality jobs and economic activity, affordable housing, community services and recreational opportunities which are critical to improving the quality of life for all Roxbury residents.

These summary materials represent the joint efforts of the Roxbury Neighborhood Council and the Boston Redevelopment Authority staff. We now present them to the Council and later, to the public at large in order to begin the final public review of this zoning. A plan which talks in greater detail about the concepts embodied in this zoning will be more completely articulated in the next few months.

Thank you for your efforts in developing this zoning. We look forward to continuing to work with you to finalize it by the fall of 1990.



TABLE OF CONTENTS

I. Framework for the Plan

II. Proposed Zoning



FRAMEWORK FOR THE PLAN

FRAMEWORK FOR THE PLAN

The challenge of creating a plan for the growth of any community requires the synthesis of a tremendous amount of information about land uses, as well as an articulation of what type of growth community residents would like to see. The creation of a plan for Roxbury is no less of a challenge. A number of capital improvement, housing and economic development projects are currently underway which have been sponsored by both the City, the BRA, and private investors. Others are in the planning stages. Participants include a wide community of non-profit and for-profit developers. The challenge of creating a plan for managed growth poses the question: what kind of community do we collectively see Roxbury evolving into over the next fifty years?

The BRA has been working with the community over the last several years to develop a community-based vision of what Roxbury should look like. The Roxbury Neighborhood Plan was initiated in August 1986 with the establishment of the Roxbury Planning and Zoning Advisory Committee (PZAC) by the Roxbury Neighborhood Council. During the next year, the PZAC met fifteen times with the Boston Redevelopment Authority and Mayor's Office of Neighborhood Services to identify neighborhood issues and develop community goals and objectives. As a result of these meetings, and accompanying land use analyses, the Roxbury Interim Planning Overlay District (IPOP) zoning amendment was drafted. The IPOP, adopted by the Zoning Commission in August 1986, provided temporary regulations and land use policies designed to achieve a balanced pattern of growth and preserve Roxbury as a viable residential neighborhood. This temporary zoning was established to stabilize the community (which was then operating under zoning rules that were over twenty years old), while new, appropriate zoning for Roxbury was being developed.

Under the IPOP, ten sub-PZACs representing the various neighborhoods were established to ensure widespread citizen participation in the planning process. Over 125 community meetings were held over the next 3 years. These citizens' groups reviewed requests for zoning variances and by so doing, established a mechanism for community participation in land-use decisions to develop recommendations for new rules for zoning which articulates the community's view of appropriate land uses for their neighborhoods.

The Roxbury IPOP will expire in the fall of 1990. The Neighborhood Council has worked diligently through this period with the participation of hundreds of community residents to develop permanent zoning that is appropriate to the community's needs. This is a draft of that final zoning: a framework for the balanced growth of Roxbury.

Among the most significant parts of this zoning is the establishment of the Dudley Square Economic Development Area (EDA) and the Greater Roxbury EDA. These two designations indicate that economic development activity is a priority for these locales. In Dudley Square, there are a number of smaller parcels and vacant upper-floor space. Growth in this area should be smaller-scaled retail and commercial development, which maintains the character of Dudley Square while encouraging its expansion as a regional commercial center. Dudley Square can take advantage of its proximity to the Greater Roxbury Economic Development Center and major public facilities such as the new Post Office to revitalize its retail base.

The second area in which economic development is being encouraged is the Greater Roxbury EDA, which is located along the Southwest Corridor. This corridor, which was formerly slated for construction as an interstate highway, is now home to the new Orange Line. It is an ideal location for larger-scale commercial growth, since it features large, publicly-owned parcels with easy access via Tremont Street and Melnea Cass Boulevard to the Expressway, Turnpike, and Longwood Medical area institutions. As a result, a number of major projects are getting underway or have been completed along the Corridor, including Douglass Plaza, the Northeastern garage, the School-boy track, and Ruggles Center. As a way to facilitate economic development which is appropriate to the needs of the community, this zoning allows for the establishment of "planned development areas" - plans which rezone a small area in light of large-scale economic development planned for that site. The so-called "PDAs" are permitted by this new zoning to be granted to development programs which provide entrepreneurial activities or new job opportunities to the community. While the BRA and the Zoning Commission must approve any application for a PDA designation, this provision encourages new economic development which meets the community's need for economic activity benefitting the community.

Other provisions of note in this zoning include:

- Designation of industrial development areas which encourage the further development of manufacturing in the Newmarket and Grove Hall areas;
- Development of historic protection areas in Highland Park, St. James, Moreland Street, and Mount Pleasant, which can preserve the historic fabric and character of some of Roxbury's most beautiful neighborhoods;
- Creation of neighborhood business districts in Grove Hall, Washington Park, St. Patrick's, and Egleston Square. which can serve the commercial and retail needs of smaller communities while providing further outlets for entrepreneurial and job development;
- Protection of a wide variety of open spaces, from Puddingstone Park

to the Dudley Cliffs urban wilds to community gardens such as the Bessie Barnes Garden, to provide for the wide range of recreational needs for the Roxbury community;

- The development of community facilities districts, to provide for the further development of community-based organizations which provide for the health, education and cultural needs of the community;
- The creation of design guidelines, ranging from the standard development review requirements for large-scale projects and review procedures which are currently used for major downtown projects, to smaller-scale site plan review, which allows the community to articulate its vision of appropriate and sensitive urban design;
- Establishment of an affordable housing priority areas to encourage the further production of affordable housing in Roxbury; and
- Designation of boulevard districts along streets such as Tremont Street and Blue Hill Avenue which provide for design standards and encourage commercial activities along Roxbury's grand boulevards.

This framework sets the stage for the final discussion as to what the final zoning regulations for the community should be. This draft represents community-driven planning at its very best.



PROPOSED ROXBURY ZONING

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority petitions to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956 as amended, as follows.

By inserting, after Article __, the following article:

ARTICLE 50

ROXBURY NEIGHBORHOOD DISTRICT

TABLE OF CONTENTS
[to be inserted]

SECTION 50-1. Statement of Purpose, Goals and Objectives. The purpose of this article is to establish the zoning regulations for the comprehensive plan for the Roxbury Neighborhood District as required by the provisions of the Roxbury Interim Planning Overlay District, Article 27E of this Code. The goals and objectives of this article and the Roxbury Neighborhood Plan are to provide for affordable and market rate housing for individuals and families; to promote and expand neighborhood cultural facilities; to promote the viable neighborhood economy, and provide for new economies and expansion of job opportunities; to preserve, enhance and create open space; to protect the environment and improve the quality of life; to promote the most desirable use of land; and to promote the public safety, health, and welfare of the people of Boston.

SECTION 50-2. Recognition of the Roxbury Neighborhood Plan. In accordance with Section 27E-7 of this Code, which requires production of comprehensive planning policies, development controls, and design guidelines for

the Roxbury Neighborhood District, the Commission hereby acknowledges that a Roxbury Neighborhood Plan will be developed as the general plan for the Roxbury Neighborhood District. The Roxbury Neighborhood Plan shall also serve as the portion of the general plan for the City of Boston applicable to the Roxbury Neighborhood District. This article is an integral part of and one of the means of implementing the Roxbury Neighborhood Plan, the preparation of which is pursuant to Section 70 of Chapter 41 of the General Laws, Section 652 of the Acts of 1960, and Section 3 of Chapter 4 of the Ordinances of 1952.

SECTION 50-3. Physical Boundaries. The provisions of this article are applicable only in the Roxbury Neighborhood District. The boundaries of the Roxbury Neighborhood District and its subdistricts are as shown on the map entitled "Map __ Roxbury Neighborhood District" (supplemental to 'Map __ _____) of the series of maps entitled "Zoning Districts-City of Boston," as amended.

SECTION 50-4. Applicability. This article together with the rest of this Code constitute the zoning regulation for the Roxbury Neighborhood District and apply as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Zoning relief in the form of exceptions from the provisions of this article pursuant to Article 6A, is not available except to the extent expressly provided in this article or Article 6A. Application of the provisions of Article 27E to the Roxbury Neighborhood District is rescinded, and the Roxbury Interim Planning Overlay District is extinguished on the effective date of this article, except as provided below. Where conflicts exist between the provisions of this article and the remainder of the Code, the provisions of this article shall

govern. Except where specifically indicated in this article, the provisions of this article supersede Article 13 and Article 8, and Articles 14 through 24 of this Code for the Roxbury Neighborhood District. The following Proposed Projects, however, are exempt from the provisions of this article, and are governed by the rest of this Code:

1. Any Proposed Project for which application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article and for which no Zoning Relief is required, provided, that construction work under such building permit, or occupancy under such permit, is commenced within six months of the date of such permit and proceeds in good faith continuously so far as is reasonably practical under the circumstances; and provided further that all construction work is completed within two years from the effective date of this Article and in accordance with the building permit as in effect on said effective date.
2. Any Proposed Project for which appeal to the Board of Appeal for any Zoning Relief has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, provided that such Zoning Relief has been or thereafter is granted by the Board of Appeal pursuant to such appeal.

SECTION 50-5. Prohibition of Planned Development Areas. Within the Roxbury Neighborhood District, no planned development area, as that term is used in Section 3-1A.a shall be permitted, except as expressly provided for in Section 50-13.

SECTION 50-6. Community Participation. This Article has been developed with the extensive participation of the Roxbury Neighborhood Council. The role of community participation in determining appropriate land use regulations and zoning is critical to the success of any zoning article or development plan. The Roxbury Neighborhood Council and any successor organization, if any, may continue to play an ongoing role in land use planning and design review for Roxbury.

REGULATIONS APPLICABLE IN ECONOMIC DEVELOPMENT AREAS

SECTION 50-7. Establishment of Economic Development Areas. The establishment of economic development areas serves to encourage economic growth and commercial activity, in a manner which is sensitive to the needs and interests of the community, and to provide for economic development that is of a quality and scale appropriate to the surrounding neighborhood. This Section establishes the following EDAs within Roxbury: the Greater Roxbury EDA and the Dudley Square EDA located as designated on Map __ Roxbury Neighborhood District. These subdistricts are established to encourage the diversification and expansion of Boston's and Roxbury's economy, the creation and retention of job opportunities, the creation of areas for public facilities, the creation of affordable housing, and the provisions additional economic benefits to the surrounding Roxbury neighborhood.

SECTION 50-8. Greater Roxbury EDA. A focal point for economic development activity is the Greater Roxbury Economic Development Area ("EDA"), an area which is historically been referred to as the Southwest Corridor. This area has been the location for major development and activity in the past. Due to the location and access to public transportation and major arteries, the Greater Roxbury EDA should be a location for major economic growth in the future. The Greater Roxbury EDA provides opportunities for significant economic development projects on publicly owned land which links Roxbury to the downtown economy.

SECTION 50-9. Dudley Square EDA. The establishment of the Dudley Square Economic Development Area ("EDA") recognizes the extent to which, historically, Dudley Square has served as a regional business and commercial

center. While it still serves that function, there currently exist a number of smaller vacant parcels and opportunities for rehabilitation of existing structures to further expand opportunities for commercial and retail development in this center. In addition, much of the related retail and commercial activity that will be generated as a result of growth and development in the Greater Roxbury EDA. As a result, the Dudley Square EDA will serve to provide opportunities for neighborhood business development which can provide jobs and entrepreneurial opportunities to the Roxbury community.

SECTION 50-10. Use Regulations Applicable in EDAs. Within the Greater Roxbury EDA and the Dudley Square EDA of the Roxbury Neighborhood District, the uses, identified in Table A of the Article and described in greater detail in Article 2A, are allowed, conditional or forbidden as set forth in said Table A. No land or Structure in said districts shall be erected, used, arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified as "A" (allowed), or subject to the provisions of Article 6, such use is identified as "C" (conditional). Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location.

SECTION 50-11. Dimensional Regulations Applicable in EDAs. Within the Greater Roxbury EDA, the maximum allowed Building Height is 65 feet and the maximum allowed Floor Area Ratio is two (2). Within the Dudley Square EDA, the maximum allowed Building Height is 55 feet and the maximum allowed Floor Area Ratio is two (2). The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard and Usable Open Space is set forth in Table C.

SECTION 50-12. Establishment of Area Within Which Planned Development Areas May be Permitted. Within the Roxbury Business Corridor EDA and the Dudley Square EDA, Planned Development Areas ("PDAs"), as described in Section 3-1A.a, are permitted on the following parcels:

TABLE 1

Parcels Upon Which PDA Development Is Permitted

<u>Location</u>	<u>Parcel</u>
Greater Roxbury EDA	Douglass Plaza Northeastern Garage Schoolboy Track Ruggles Center Parcel 3/3A Parcel 22 Parcel 25
Dudley Square EDA	Blair Site Dudley Terminal Parcel 9 Parcel 10 Post Office

PDA's are not permitted elsewhere in the Roxbury Neighborhood District. The purposes for establishing these areas as those within which PDAs may be permitted are: to establish a more flexible zoning law and encourage private development on underutilized sites in the Roxbury Neighborhood District while ensuring quality design by providing planning and design controls; to encourage economic development and commercial expansion; and to provide connections for Roxbury to the downtown economy.

SECTION 50-13. Planned Development Areas: Planning and Development Criteria. The Boston Redevelopment Authority may approve a Development Plan as meeting the provisions of Section 50-13 if the Development Plan proposes a plan for public benefits including one or more of the following: (a) the

diversification and expansion of Boston's economy in new areas of economic activity, such as private investment in research and development of pharmaceutical and biomedical products in accordance with the provisions of paragraph 1, below, of this section; or (b) the creation or retention of job opportunities and neighborhood economic development opportunities, in accordance with the provisions of paragraph 2, below, of this section.

1. **Development Plan Approval for Diversification and Expansion of Boston's Economy.** The Boston Redevelopment Authority may approve a Development Plan proposing diversification and expansion of Boston's economy if at least thirty percent (30%) of the gross floor area of the Proposed Project is dedicated to or supportive of uses such as, but not limited to, the following:
(a) research, development and manufacturing of pharmaceutical and biomedical products; (b) the design, development, fabricating, and testing of instruments for engineering, medical, dental, scientific, optical, or other similar professional use; or (c) other scientific Research and Development Uses, including laboratories and facilities for theoretical, basic, and applied research, product development and testing, prototype fabrication, or production of experimental products. Examples of uses which shall be considered "supportive of" the uses enumerated in subparagraphs (a), (b) and (c) above include, but are not limited to: office space occupied by private entities engaged in such uses, or occupied by governmental entities regulating such uses; hotel, conference, or convention facilities; and educational facilities providing instruction in fields related to such uses.
2. **Development Plan Approval for the Creation of New Job Opportunities.** The Boston Redevelopment Authority may approve a Development Plan proposing

creation of new job opportunities if it determines that: (a) employment positions in businesses occupying the Proposed Project are newly created in Roxbury; (b) the Development Plan provides for entrepreneurial assistance measures, such as (i) information, outreach, and education programs concerning new business development; (ii) general business planning and management counseling; (iii) technical assistance; and (iv) the establishment of general financing options; or (c) the Development Plan provides for job opportunities to facilitate community access to jobs created by the Proposed Project.

SECTION 50-14. Planned Development Areas: Use and Dimensional Regulations. The dimensional regulations for PDAs are established by this section.

1. Use Regulations. A Proposed Project within a PDA is subject to the use regulations set forth in Section 50-10, except as the same may be modified in the Development Plan.
2. Dimensional Regulations. A Proposed Project within an established PDA shall comply with the Building Height and FAR Standards set forth in Table 2 of this article.

TABLE 2

**Roxbury Neighborhood District
Planned Development Areas
Dimensional Regulations**

	<u>Maximum Building Height/FAR Standards</u>
Blair Site	65'/2
Douglass Plaza	65'/3
Northeastern Garage	65'/3
Schoolboy Track	65'/3
Ruggles Center	125'/6
Parcel 3/3A	65'/3
Parcel 9	65'/3
Parcel 10	65'/3
Parcel 22	65'/3
Parcel 25	65'/3
Dudley Terminal	65'/2
Post Office	65'/2

SECTION 50-15. Planned Development Areas: Standards for Development

Plan Approval. Before transmittal to the Zoning Commission, a Development Plan shall have been approved by the Boston Redevelopment Authority after a public hearing, provided, however, that no Development Plan shall be approved unless the Boston Redevelopment Authority finds that: (a) such Development Plan complies with the provisions of this section and Section 3-1A.a; (b) such Development Plan conforms to the Roxbury Neighborhood Plan and the general plan for the city as a whole; (c) each Proposed Project described in the Development Plan is in compliance with the Building Height and FAR standards set forth in Section 50-15, and (d) on balance, nothing in such Development Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens.

SECTION 50-16. Approval Process. This section establishes a process for approving Proposed Projects in the Greater Roxbury EDA through use of the Planned Development Area overlay district.

1. **Development Plan Approval Process.** To establish a PDA, the Applicant must submit a Development Plan for the Proposed Project to the Boston Redevelopment Authority for its approval in accordance with Section 3-1A.a.

So long as a Proposed Project as a whole is consistent with the provisions of this article and the Code, including without limitation those relating to FAR and Building Height, a Proposed Project within a PDA may be located on multiple contiguous parcels or lots, whether or not any portion of the Proposed Project on a particular parcel or Lot satisfies the provisions of this article and the Code.

2. **Zoning Commission Approval Only; No Board of Appeal Action Required.** Upon approval of the Development Plan by the Boston Redevelopment Authority, the Boston Redevelopment Authority shall transmit the Development Plan to the Zoning Commission for its consideration. After transmittal of the Development Plan by the Boston Redevelopment Authority to the Zoning Commission, the Zoning Commission may approve the Development Plan and establish a PDA if such PDA consists solely of land, with respect to which an agreement has been or is subsequently entered into with the Boston Redevelopment Authority establishing use and dimensional controls as specified in the Development Plan, and the Proposed Project, and the parcels or lots and improvements thereon, which are the subject of the Development Plan shall be deemed to be in compliance with the provisions of this article and the code, so long as the same are consistent

with the provisions of the approved Development Plan and the other applicable provisions of the code. Nothing in this article shall be construed to limit the power of the Board of Appeal to grant Zoning Relief for Proposed Projects in PDAs, except that exceptions from the building height and FAR provisions set forth in Section 50-15 are not permitted.

3. **Amendment of Development Plan.** In a PDA, a Proposed Project which is not the subject of the Development Plan approved for the PDA shall not proceed unless the Boston Redevelopment Authority has certified to the Commissioner of Inspectional Services that the Proposed Project is consistent with the approved Development Plan, as amended from time to time, for such PDA or the portion thereof to which said work relates. The procedure for amendment of the Development Plan is the same procedure as the procedure for initial approval of a Development Plan, as set forth in Section 3-1A.a and this Section 50-16.

A Proposed Project for the reconstruction of a Structure in existence in a PDA as of the date of Development Plan approval and described in said Development Plan, or of a Structure constructed pursuant to said Development Plan, shall be determined by the Boston Redevelopment Authority to be consistent with said Development Plan, provided that said reconstruction is substantially similar to the original Structure. Said reconstruction, unless described as part of the original Proposed Project in said Development Plan, shall constitute a separate Proposed Project for all purposes hereunder.

SECTION 50-17. Applicability of Future Amendments. The issuance of any permit for the development or construction of any portion of a Proposed Project proceeding in accordance with an approved Development Plan, as amended from time to time, shall be deemed to be the issuance of a permit for the entire Proposed Project for the purpose of applying Section 5 of Chapter 665 of the Acts of 1956 as amended from time to time. Without limiting the foregoing sentence, the provision of Section 5 that construction work under the permit proceed continuously to completion shall be deemed satisfied so long as construction on the Proposed Project proceeds generally in accordance with a development schedule set forth in the approved Development Plan.

SECTION 50-18. Provision of Affordable Housing. The provision of opportunities for the development of Affordable Housing is critical in Roxbury, as it is throughout the city. This section establishes several housing priority areas in order to promote and encourage the construction of affordable housing. All parcels of land within these areas are owned by a public agency and comprise at least one acre, either individually or in combination with contiguous parcels owned by another public agency. Three-fourths of the gross floor area of any Proposed Project within these areas is devoted to residential uses, three-fourths of which are Affordable to Low- and Moderate-Income Households. The provision of affordable housing within the Roxbury Neighborhood District shall not be limited to these areas, and is, in fact, encouraged throughout the Roxbury Neighborhood District.

The Affordable Housing Areas within the Roxbury Neighborhood District include the following sites:

- a. Parcel 9 in the Dudley Square EDA;
- b. the Bartlett Yards presently owned by the MBTA.

**REGULATIONS APPLICABLE IN
BOULEVARD PLANNING OVERLAY DISTRICTS**

SECTION 50-19. Establishment of Boulevard Planning Overlay Districts.

This section establishes the following eleven (11) Boulevard Planning Overlay Districts ("BPODs"). The BPODs are an acknowledgement of the significance of major boulevards as the entryways to Roxbury's neighborhoods. As gateways to the residential areas they establish a design image and are focal points for the surrounding neighborhoods. Accordingly, they have special design requirements. They are located as designated on "Map ____, Roxbury Neighborhood District":

- a. Blue Hill Avenue
- b. Washington Street
- c. Melnea Cass
- d. Warren Street
- e. Shawmut Avenue
- f. Dudley Street
- g. Columbia Road
- h. Tremont Street
- i. Seaver Street
- j. Massachusetts Avenue
- k. Columbus Avenue

SECTION 50-20. Design Review and Screening and Buffering Requirements

Within BPODs. Within the BPODs design review requirements are applicable as set forth in Section 50-42. In addition, screening and buffering standards shall be applicable, as set forth in Section 50-24.

REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS

SECTION 50-21. Establishment of Neighborhood Business Subdistricts. This

Section establishes four Neighborhood Business Subdistricts within the Roxbury Neighborhood District. These Neighborhood Business Subdistricts are established to encourage smaller retail and community uses which serve the residents of the Roxbury Neighborhood District, and to encourage the development of neighborhood businesses in these areas which provide essential goods and services as well as jobs and entrepreneurial opportunities for the Roxbury community. They are indicated as follows on "Map __ Roxbury Neighborhood District":

1. Egleston Square Neighborhood Shopping Subdistrict;
2. Grove Hall Neighborhood Shopping Subdistrict;
3. Washington Park Mall Neighborhood Shopping Subdistrict; and
4. St. Patrick's Neighborhood Shopping Subdistrict.

SECTION 50-22. Use Regulations Applicable to Neighborhood Business Subdistricts. Within the Neighborhood Business Subdistricts, the uses identified in Table A of this Article and described in greater detail in Article 2A, are allowed, conditional, or forbidden as set forth in said Table A. No land or Structure in said subdistricts shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in said Table A as "A" (allowed) or, subject to the provisions of Article 6, such use is identified as "C" (conditional). Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location.

SECTION 50-23. Dimensional Regulations Applicable in Neighborhood Business Subdistricts. Within Neighborhood Business Subdistricts, the maximum allowed Building Height is forty-five (45) feet and the maximum allowed FAR is two (2). The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and minimum Usable Open Space per dwelling unit is set forth in Table D of this Article.

SECTION 50-24. Screening and Buffering Regulations Applicable to Neighborhood Business Subdistricts. Within the Neighborhood Business Subdistrict, and within Boulevard Planning Overlay Districts, the following screening and buffering requirements shall apply.

1. Where any use, except a Residential Use listed in Table B to this article, abuts a Residential Subdistrict, such use shall provide and maintain along the property line(s) abutting such Residential Subdistrict a screen that consists of one of the following combinations of plant materials and fencing:
 - a. A strip at least five (5) feet wide, densely planted with shrubs and trees, and a heavy-duty vinyl-clad chain-link fence at least six (6) feet high, but not more than eight (8) feet above finished Grade; or
 - b. A strip at least five (5) feet wide, planted with trees, and a stockade or board-type wooden fence, without plywood sheeting, constructed to be at least sixty percent (60%) opaque and at least six (6) feet high, but not more than eight (8) feet above finished Grade.
2. Off-street parking facilities and lots, off-street loading areas, and accessory storage areas shall be screened from view from streets, except rear alleys

providing access only. Such screening shall consist of trees and shrubs densely planted in a strip at least five (5) feet wide on the inside edge of a steel-picket or stockade or board-type wooden fence, provided that such fencing is not more than fifty percent (50%) opaque and is no less than three (3) feet and no more than four (4) feet high.

3. Shrubs required by this section may be of deciduous or evergreen, or a mixture of both types, densely planted to provide a mature appearance within three (3) years. Trees required by this section may be deciduous or evergreen, or some combination of both types. Deciduous trees shall be minimum three- (3)-inch caliper at the time of planting and planted twenty to twenty-five (20-25) feet on center. Evergreen trees shall be minimum twelve (12) feet high and planted twelve to fifteen (12-15) feet on center. Ground cover consisting of grass or other plantings or four to six (4-6) inches of pine-bark or similar mulch shall be placed within the planting strip at the time of planting and replenished as necessary.
4. Landscaping required by this section shall be maintained in a healthy growing condition, free of refuse and debris. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic. There shall be no parking of vehicles in areas used for screening and buffering.
5. Disposal areas, dumpsters, and ground-mounted mechanical equipment shall be screened from view from public rights-of-way other than rear alleys providing access only. Disposal areas and dumpsters shall be screened with

an opaque wall or fence at least six (6) feet high. Ground-mounted mechanical equipment shall be screened with an opaque wall or fence sufficiently high to provide effective screening.

6. Roof-mounted mechanical equipment shall be painted to blend with adjacent or nearby building materials or shall be screened by wood, brick, or similar material.
7. Outside storage of any materials, supplies, or products is not permitted within any landscaped area required in this section.

SECTION 50-25. Sign Regulations Applicable to Neighborhood Business

Subdistricts. In any Neighborhood Business Subdistrict there shall not be any sign except as provided in Article 11 and this section. Notwithstanding any provisions of Section 11-2 to the contrary, in any Neighborhood Business Subdistrict:

- (a) The total area, as defined in Article 2A, in square feet of all permanent Signs on a Sign Frontage, as defined in Article 2A, except for signs on windows above the first floor, free standing signs, directional signs, and public purpose signs listed in items (g) and (k) inclusive of Section 11-1, shall not exceed the Sign Frontage multiplied by two (2);
- (b) A Sign attached at right angles to a building shall not have an area in excess of ten (10) square feet on either face; except that an additional four (4) square feet on each face is allowed for a Sign which incorporates a public service message device, such as a time and temperature Sign; and

- (c) A free standing Sign shall not have an area in excess of fifteen (15) square feet for each use, as defined by Article 2A, on the Lot, and the top of such Sign shall not be higher than ten (10) feet above Grade.

SECTION 50-26. Design Review Regulations Applicable in Neighborhood Business Subdistricts. Within the Neighborhood Business Subdistricts, design review regulations as set forth in Section 50-42, are applicable.

**REGULATIONS APPLICABLE IN COMMUNITY
FACILITIES SUBDISTRICTS**

SECTION 50-27. Establishment of Community Facilities Subdistricts. This Section establishes four Community Facilities Subdistricts within the Roxbury Neighborhood District located as designated on "Map __ Roxbury Neighborhood District:

1. Campus High/Community College Subdistrict;
2. Dimock Street Subdistrict;
3. The National Center for Afro-American Artists Subdistrict; and
4. Albany Street Medical Area Subdistrict.

These subdistricts are established to encourage the development and expansion of important community-based facilities in the Roxbury Neighborhood District, which provide health, educational and cultural services to the community and are an important part of the institutional fabric of the Roxbury community.

SECTION 50-28. Use Regulations Applicable to Community Facilities Subdistricts. Within the Community Facilities Subdistricts, the uses, identified in Table A of this Article and described in greater detail in Article 2A, are allowed, conditional, or forbidden as set forth in said Table A. No land or Structure in said subdistricts shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in said Table A as "A" (allowed) or, subject to the provisions of Article 6, such use is identified as "C" (conditional). Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location.

SECTION 50-29. Dimensional Regulations Applicable in Community Facilities Subdistricts. Within Community Facilities Subdistricts, the maximum allowed Building Height is forty-five (45) feet and the maximum allowed FAR is two (2). The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and minimum Usable Open Space per dwelling unit is set forth in Table E of this Article.

REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

SECTION 50-30. Establishment of Residential Subdistricts. This Section establishes Residential Subdistricts within the Roxbury Neighborhood District. The purpose of the Residential Subdistricts is to maintain, enhance, and promote the character of residential neighborhoods in terms of density, housing type, and design; and to provide for low and medium density multifamily housing appropriate to the existing built environment; and to encourage appropriate development of which enhances the District while preventing overdevelopment and poor quality of construction. These Residential Subdistricts are indicated as follows on "Map __ Roxbury Neighborhood District":

1. Two-Family Residential Subdistricts, as indicated by the designation "2F" on said Map. The Two-Family Subdistricts are established to preserve, maintain, and promote two-family neighborhoods, to preserve existing structures, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as-of-right. In a 2F subdistrict the maximum number of dwelling units allowed in a single structure or in a row of dwellings shall be two (2).
2. Three-Family Residential Subdistricts, as indicated by the designation "3F" on said Map. The Three-Family Residential Subdistricts are established to encourage low density multi-family areas with a variety of housing types appropriate to the existing fabric including one, two, but no more than three family dwellings. In a 3F subdistrict the maximum number of dwelling units allowed in a single structure or in a row of dwellings shall be three (3).

3. Row House Residential Subdistricts, as indicated by the designation "RH" on said Map. The Row House Subdistricts are established to preserve, maintain, and promote the existing fabric of row house neighborhoods by allowing row houses as the sole housing type. There shall be a limit of six (6) dwelling units per individual Row House in the Row House Residential Subdistricts.
4. Multi-Family Residential Subdistricts, as indicated by the designation "MFR" on said Map. The Multi-Family Residential Subdistricts are established to encourage medium density multi-family areas with a variety of allowed housing types including one, two and three family dwellings, row houses, apartments and ground floor retail. There shall be a limit of six dwelling units per individual Row House in the Multi-Family Residential Subdistricts.

SECTION 50-31. Establishment of Protection Areas. This Section establishes the following Protection Areas as overlays to residential subdistricts, as designated on "Map __ Roxbury Neighborhood District":

1. Highland Park - John Eliot Square Protection Area;
2. St. James Protection Area;
3. Moreland Street Protection Area; and
4. Mt. Pleasant Protection Area.

These Protection Areas are established to protect the historic character of these neighborhoods which give Roxbury its unique architectural character. Development of new housing within these Protection Areas is encouraged, new construction or rehabilitation which preserves and complements the character of the existing housing stock will enhance the historic quality of these

neighborhoods. Within the Protection Areas, special design review requirements apply as set forth in Section __-__. All uses, dimensional and other provisions applicable to the underlying residential subdistricts are applicable within the Protection Areas.

SECTION 50-33. Use Regulations Applicable to Protection Areas and Residential Subdistricts. Within the Protection Areas of Residential Subdistricts of the Roxbury Neighborhood District, the uses, identified in Table B of this Article and described in greater detail in Article 2A, are allowed, conditional, or forbidden as set forth in said Table B. No land or Structure in said subdistricts or areas shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in said Table B as "A" (allowed) or, subject to the provisions of Article 6, such use is identified as "C" (conditional). Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table E is forbidden for the Residential Subdistricts of the Roxbury Neighborhood District.

SECTION 50-34. Dimensional Regulations Applicable in Protection Areas and Residential Subdistricts.

1. **Lot Area, Lot Width, Frontage and Yard Requirements.** The minimum Lot Area, Lot Width, Lot Frontage, Front Yard, Side Yard, and Rear Yard, and minimum Usable Open Space per dwelling unit required for any Lot in a Residential Subdistrict shall be established by: (i) determining whether the lot is located in a zone designated "4000" (minimum Lot Area of 4,000 square feet), "5000" (minimum Lot Area of 5,000 square feet), or "6000" (minimum

Lot Area of 6,000 square feet), "7000" (minimum Lot Area of 7,000 square feet), or "8000" (minimum Lot Area of 8,000 square feet) as shown on Map 7A, Residential Lot Size Requirements in the Roxbury Neighborhood District (supplemental to Map 7, Roxbury Neighborhood District) and (ii) determining the dimensional requirements applicable to the pertinent zone by reference to Table F of this Article.

2. Building Height and Floor Area Ratio: Within Residential Subdistricts, the maximum allowed building height is thirty-five (35) feet. The maximum allowed FARs are as follows:
 - (a) Within Two-Family Residential Subdistricts the maximum allowed FAR is 0.6.
 - (b) Within Three-Family Residential Subdistricts, the maximum allowed FAR is 0.8.
 - (c) Within Row House Residential Subdistricts, the maximum allowed FAR is 1.
 - (d) Within Multi-family Residential Subdistricts the maximum allowed FAR is 2.
3. Allowed Additions in Required Yards. Within a Two Family Residential Subdistrict or Three Family Residential Subdistrict, additions to existing Structures may extend into a required yard (except the Front Yard) when the existing Structure is already nonconforming with respect to that yard;

provided that such non-conformity affects at least seventy percent (70%) of the total length of the wall facing such required yard. The extension of the line formed by the principal alignment of the nonconforming wall of the structure shall be the limit to which the addition may be built. The addition may extend up to the applicable maximum Building Height and may include a basement addition. The Floor Area Ratio of the existing Structure together with the new addition shall not exceed the maximum allowed Floor Area Ratio specified for the subdistrict. The addition to the nonconforming wall or walls shall comply with the following requirements:

- a. Side Yard: When it is a side wall, it is at least five (5) feet from the Side Lot Line and ten (10) feet from an existing Structure on an abutting lot.
- b. Rear Yard: When it is a rear wall, it is at least twenty (20) feet from the Rear Lot Line.

- 4. **Lot Frontage.** Within a Two Family Subdistrict or Three-Family Residential Subdistrict, every Lot shall have a minimum frontage on a Street not less than the minimum Lot Width specified in Table F of this Article for such Lot, and shall have a minimum frontage on a Street for each Detached Dwelling on such Lot not less than such minimum Lot Width. (See also Section 50-44-8.13.)

5. **Accessory Buildings.**

- a. In a Residential Subdistrict, an Accessory Building may extend into a Side Yard but not for more than one third of the width of such Side Yard, except that no part of any such Building nearer to the front Street Line than seventy-five feet or, three fourths of the depth of the Lot, shall extend into any Side Yard.

- b. In a Residential Subdistrict, an Accessory Building may be erected in a Rear Yard; provided that no such Building is more than fifteen feet in height or nearer than four feet to any side lot line; and provided further that the accessory buildings in any one Rear Yard shall not occupy in the aggregate or greater percentage of such Rear Yard than that specified in Table F.

ROXBURY INDUSTRIAL DEVELOPMENT AREAS

SECTION 50-35. Establishment of Roxbury Industrial Development Areas.

Industrial development areas are designed to encourage the expansion of the existing manufacturing and industrial base in a manner which is sensitive to and preserves the quality of life of the surrounding neighborhoods, and to encourage the development of new job opportunities within the Roxbury Neighborhood District. This sections establishes three Industrial Development Areas ("IDAs") within the Roxbury Neighborhood District, indicated as follows on "Map ____ Roxbury Neighborhood District:

1. Newmarket Industrial Development Area;
2. Harrison Avenue Industrial Development Area; and
3. Grove Hall Industrial Development Area.

SECTION 50-36. Performance Standards for All Uses. Within the Industrial Development Areas of the Roxbury Neighborhood District, each use shall comply with the provisions of this section.

1. None of the following effects will be allowed:
 - a. Any emissions beyond the boundaries of the Lot in quantities that endanger human health or causes damage to vegetation or property.
 - b. Any emission of radioactivity or any biohazard that exceeds the applicable local, state, or federal regulations.
 - c. Any electrical disturbance which interferes unduly with the normal operation of equipment or instruments or which is reasonably likely to cause injury to any person located outside the Lot.
 - d. Any surface water or groundwater contamination that exceeds any applicable state or federal regulations.

2. Any noise, air pollutant, vibration, dust, odor, change in temperature, or direct or sky-reflected glare of a substantial amount or existing for an extended period of time and detectable by the human senses without the aid of instruments shall not be allowed to emanate more than fifty (50) feet beyond the boundaries of the Lot upon which a use is located, or to emanate more than twenty (20) feet beyond the boundaries of the Lot upon which a use is located if the Lot abuts or is across the Street from a residential subdistrict.

SECTION 50-37. Screening and Buffering. Within an Industrial Development Area the following screening and buffering requirements shall apply.

1. Where a nonresidential use abuts a residential subdistrict, such use shall provide and maintain along the property line(s) abutting such residential subdistrict a screen that consists of one of the following combinations of plant materials and fencing:
 - (a) a strip at least five (5) feet wide, densely planted with shrubs and trees, and a heavy-duty vinyl-clad chain-link fence at least six (6) feet high, but not more than eight (8) feet height; or
 - (b) a strip at least five (5) feet wide, planted with trees, and a stockade or board-type wooden fence, without plywood sheeting, constructed to be at least seventy-five percent (75%) opaque and at least six (6) feet high, but not more than eight (8) feet high.

2. For all Storage Uses, any material or equipment stored to a height greater than four feet above grade level shall be surrounded by a wall or tight fence not less than seven feet high.
3. Off-street parking facilities and lots, off-street loading areas, and accessory storage areas shall be screened from view from public rights-of-way other than rear alleys providing access only. Except as limited by the provision of this Article concerning corner traffic visibility, such screening shall consist of trees and shrubs densely planted in a strip at least three (3) feet wide on the inside edge of a steel-picket or stockade or board-type wooden fence, provided that such fencing is not more than fifty percent (50%) opaque and is no less than four (4) feet high and no more than six (6) feet high.
4. Shrubs required by this section shall consist of evergreen or a mixture of deciduous and evergreen densely planted to provide a mature appearance within three (3) years. Trees required by this section shall be deciduous, evergreen, or a combination thereof. Deciduous trees shall be minimum three (3)-inch caliper at the time of planting and planted twenty to twenty-five (20-25) feet on center. Evergreen trees shall be a minimum of twelve (12) feet high and planted twelve to fifteen (12-15) feet on center. Approximately three (3) inches of pine-bark mulch shall be placed within the planting strip at the time of planting and replenished as necessary.
5. Landscaping required by this section shall be maintained in a healthy growing condition, free of refuse and debris. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of

traffic in accordance with Section 50-44. There shall be no parking of vehicles in areas used for screening and buffering.

6. Disposal areas, dumpsters, and ground-mounted mechanical equipment shall be screened from view from public rights-of-way, other than rear alleys providing access only, with an opaque wall or fence; for disposal areas and dumpsters such wall or fence shall be six (6) feet high.
7. Roof-mounted mechanical equipment shall be painted to blend with adjacent or nearby building materials or shall be screened by wood, brick, or similar material.

SECTION 50-38. Use Regulations Applicable to Industrial Development Areas. Within an IDA in the Roxbury Neighborhood District, the uses, identified in Table A of this Article and described in greater detail in Article 2A, are allowed, conditional, or forbidden as set forth in said Table A. No land or Structure in said subdistricts or areas shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in said Table A as "A" (allowed) or, subject to the provisions of Article 6, such use is identified as "C" (conditional). Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location.

SECTION 50-39. Dimensional Regulations Applicable in Industrial

Development Area.

1. **Lot Area, Lot Width, Frontage and Yard Requirements.** The minimum Lot Area, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard and Usable Open Space required for any Lot in an Industrial Development Area and the maximum allowed Floor Area Ratio and Building Height for such Lot shall be as provided in Table G of this Article.

REGULATIONS APPLICABLE IN OPEN SPACE SUBDISTRICTS

SECTION 50-40. Establishment of Open Space Subdistricts. This section establishes open space subdistricts in the Roxbury Neighborhood District indicated on Table 3, below, of this section, and shown on "Map __ Roxbury Neighborhood District". A land trust comprised of residents, representatives, community organizations and businesses may be established within the Roxbury Neighborhood District to own and manage open space which was previously in the ownership of public agencies. Any Lot within any open space subdistrict is subject to the provisions of this Code applicable to such subdistrict, including without limitation, Article 33, Open Space Subdistricts.

1. **Air-Rights Open Space Subdistrict.** Air-Rights open space subdistricts shall consist of land used as Transit Corridors owned by a Public Agency - Air-Rights open space subdistrict regulations as established in Section 33-16 shall apply to the development of spaces over such Transit Corridors.
2. **Cemetery Open Space Subdistrict.** These subdistricts are designated for interment uses, and are subject to provisions of Section 33-14 of the Code.
3. **Community Garden Open Space Subdistrict.** These subdistricts consist of land appropriate for and limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural or horticultural commodity and are subject to the provisions of Section 33-8 of the Code.

4. **Recreation Open Space Subdistrict.** Recreation open space subdistricts shall consist of land appropriate for and limited to active or passive recreational uses, including walkways, physical education areas, children's play areas, swimming pools, skating rinks, and sporting areas, or a combination thereof, and are subject to the provisions of Section 33-10 of the Code.
5. **Parkland Open Space Subdistrict.** Parkland open space subdistricts shall consist of land appropriate for and limited to passive recreational uses, including walkways, picnic areas, and sitting areas; such land may include Vacant Public Land, and are subject to the provisions of Section 33-9 of the Code.
6. **Urban Plaza Open Space Subdistrict.** Urban Plaza open space subdistricts shall consist of land appropriate for and limited to passive recreational uses; and are subject to the provisions of Section 33-15 of the Code.
7. **Urban Wild Open Space Subdistrict.** Urban Wild open space subdistricts shall consist of land not in the city's park system which includes undeveloped hills, rock outcroppings, quarries, woodlands, meadows, scenic views, inland waters, freshwater wetlands, flood plains, wildlife habitat, or any estuary, creek, river, stream, pond, or lake, or any land under said waters and are subject to the provision of Section 33-15 of the Code.

TABLE 3

Open Space Subdistricts in the Roxbury Neighborhood District

<u>Subdistrict Designation</u>	<u>Location</u>
Air Rights	Greater Roxbury EDA
Cemeteries	Eliot Cemetery Eustis Street
Urban Wilds	Alpine Cedar Street Dudley Cliffs Fountain Street John Eliot Square Puddingstone Garden Rockledge Street Warren Gardens
Community Gardens	Bessie Barnes Garden Kendall and Lenox St. Garden Sarnac/New Castle Garden Warwick Street Garden
Recreation	Beauford Play Area Brunswick-King Play Area Carter Playground Ceylon Hill Park Ceylon Street Playground Children's Park Clifford Playground Connolly (Marcella) Park Crawford Street Playground Elm Hill Park Erie-Ellington Street Playground Eustis Street Play Area Hannon Playground Highland Park Howes Playground Humbolt Plaza Jeep Jones Park King School Park King Street Play Area Kittredge Park Lambert Avenue Playground (Dorr) Laviscount Plaza Little Scobie Playground Malcolm X Park Mt. Pleasant Avenue Orchard Park

Subdistrict
Designation

Location

Quincy Street Play Area
Ramsey Park
Roxbury Business Park
Trotter School Playground
Walnut Park Play Area
White Fund Playground #31
Whittier Playground
Winthrop Playground

Parklands

Cedar Square
Denton Square
Linwood Park
Public Ground
Puddingstone Park
St. James Street Park
Warren Square
Wolf Square

Urban Plaza

Grove Hall Urban Plaza

DESIGN AND DEVELOPMENT REVIEW REQUIREMENTS

SECTION 50-41. Roxbury Neighborhood District Design and Development Review Requirement. In order to ensure that growth in the Roxbury Neighborhood is compatible with the historic character of the buildings and landscape and that new development is of a quality that enhances the neighborhood visually and economically and is not damaging to environmental quality, the following regulations apply.

1. **Applicability of the Development Review Requirements of Article 31 to Large Projects.** The provisions of Article 31, Development Review Requirements, other than Section 31-3, shall be applicable in the Roxbury Neighborhood District. In addition, a Proposed Project, not otherwise subject to the provisions of Article 31, for the construction of thirty or more units of housing (but not including rehabilitation or alteration projects unless they result in a net increase of thirty or more units over existing units), shall comply with the Transportation Access Plan requirements of Section 31-6 and with the design review requirements of Section 2 below. The Commissioner of Inspectional Services shall not issue a building permit for any Proposed Project subject to the provisions of this Section unless the Director of the Boston Redevelopment Authority has issued a certification of compliance with this Section.
2. **Applicability of Design Review to Certain Projects Not Subject to Article 31.** The provisions of this Subsection 2 shall apply only to Proposed Projects not otherwise subject to the comprehensive development review requirements of Article 31, pursuant to Subsection 1, above.

Any Proposed Project to erect a new building, or an addition, or extension to an existing building, which new building, addition, or extension, has a gross floor area of 25,000 gross square feet or more for any use is subject to design review by the Boston Redevelopment Authority. In addition, any Proposed Project, located within a Protection Area, established pursuant to Section 50-31, or Planning Overlay District Area, established pursuant to Section 50-19 for:

- (a) The erection of a new Building or an addition, or extension to an existing Building;
- (b) exterior alteration affecting more than five hundred square feet of Street Wall above the Ground Floor Ceiling height visible from any public street or open space; or
- (c) exterior alteration changing the roof shape, cornice line, height of Street Wall, or Building Height of an existing Building

is subject to design review by the Boston Redevelopment Authority.

The Commissioner of the Inspectional Services Department shall not issue a building or use permit for any Proposed Project subject to the provisions of this section unless the Director of the Boston Redevelopment Authority certifies that the design for such Proposed Project has been approved by the Boston Redevelopment Authority.

- a. **Design Guidelines.** This section establishes guidelines to be applied by the Boston Redevelopment Authority in reaching its determination to approve a Proposed Project subject to design review by the Boston Redevelopment Authority pursuant to this Section. Any Proposed

Project subject to design review pursuant to this section shall be designed such that the exterior proportions, scale, massing, window treatment, materials, colors, and architectural detailing are compatible with the historical (in Protection Areas) and architectural character of the other buildings in the area within which the Proposed Project is located and with the streets and open spaces to which it is visually related.

- b. **Procedure for Approval of Proposed Project Not Located in a Protection Area.** Each application for a permit for a Proposed Project not located in a Protection Area and subject to design review pursuant to this section shall be filed in duplicate with the Inspectional Services Department, which shall retain one copy for its files and transmit the other copy to the Boston Redevelopment Authority. The Boston Redevelopment Authority may find that the Proposed Project is consistent with the guidelines set forth in this section or is not consistent with the guidelines set forth in this section; provided that if no such findings are transmitted to the Inspectional Services Department within thirty (30) days of the receipt by the Boston Redevelopment Authority of the application for a Proposed Project, the Proposed Project shall be deemed to be consistent with the guidelines set forth in this section without need for further action. Any Applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this section may appeal to the Board of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.

- c. **Procedure for Approval of Proposed Project Located in a Protection Area.** Each application for a permit for a Proposed Project located in a Protection Area, and subject to the provisions of this Section shall be filed in triplicate with the Inspectional Services Department, which shall retain one copy for its files and transmit the other copies as follows: one to the Boston Redevelopment Authority and the other to the Boston Landmarks Commission. The Boston Landmarks Commission may, within thirty (30) days after the date of such transmittal, file with the Boston Redevelopment Authority a report with recommendations, together with material, maps, or plans to aid the Boston Redevelopment Authority in determining consistency with the standards for approval set forth in this Section. The Boston Redevelopment Authority shall not notify the Inspectional Services Department of its findings on the application for a Proposed Project until such report with recommendations has been received and considered, provided that if no such report is received within said thirty (30) days, the Boston Redevelopment Authority may certify to the Inspectional Services Department its findings without such report, and if no such findings are transmitted to the Inspectional Services Department within forty-five (45) days of the receipt by the Boston Redevelopment Authority of the application for a Proposed Project, the Proposed Project shall be deemed to be consistent with the standards set forth in this Section without need for further action. Any Applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this section may appeal to the Board

of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.

SECTION 50-42. Specific Design Requirements. In the Neighborhood Business Subdistrict the BPODs and the Dudley Square EDA, any Proposed Project shall be subject to the following requirements:

- a. **Street Wall Continuity.** The Street Wall of any Structure subject to this provision shall be built to be coextensive with the Building Line, as defined in Article 2A, of the Block on which the Street Wall faces. If there is no determinable Building Line of said Block, then said Street Wall shall be built at a depth from the curb line equal to that of the Building Line farthest from the curb line of the two blocks adjacent to said Block, facing onto the same street. If there is no determinable building line of either of said adjacent blocks, then (i) if the Proposed Project is subject to or elects to comply with the development review provisions of Article 31 or the design review requirements of Section 50-41.2, an appropriate Street Wall location shall be determined in the development review or design review process, as the case may be, or (ii) otherwise, notwithstanding any contrary provision of Section 50-41.2, the Proposed Project shall be deemed subject to the design review provisions of said Section 50-41 for the limited purpose of determining an appropriate Street Wall location. A Proposed Project shall comply with the requirements of this Subsection with respect to each facade facing a public street, but excluding alleys and private ways.

Except as otherwise provided in this Subsection 50-42, Street Walls shall be continuous across a lot. However, design articulation involving deviations from the Street Wall Plane of two (2) feet or less shall be

permitted across the Street Wall. Further, larger recesses and bays in Street Walls shall be permitted as follows. For Proposed Projects neither subject to nor electing to comply with the development review requirements of Article 31 or the design review requirements of Section 50-41.2, recesses not exceeding fifteen feet in depth, and not affecting more than fifty percent (50%) of the surface area of the Street Wall Plane shall be permitted. Further, Bay Windows shall be permitted to extend from the Street Wall Plane above the Ground Floor Ceiling Height provided that such Bay Windows do not affect more than forty percent (40%) of the Street Wall Plane. For Proposed Projects which are subject to or elect to comply with the development review requirements of Article 31 or the design review requirements of Section 50-41.2., recesses and Bays shall be permitted if appropriate to the creation of visually interesting designs or the accommodation of a specific ground level function, provided that the facade remains compatible with its historical and architectural surroundings and visual continuity in the Block front is preserved, as certified by the Boston Redevelopment Authority in accordance with the urban design provisions of Article 31 or the design review provisions of Section 50-41.2.

- b. **Display Window Area Regulations.** For the purposes of this section, the term "Display Window Area" means that area of the Street Wall of any Structure that is between Grade and the Ground Floor Ceiling Height (or the roof structure if only a one-story Structure), or fourteen (14) feet, whichever is less, and excludes any area of Street Wall serving as access to off-street loading berths or accessory off-street parking.

- (1) **Display Window Area Transparency.** At least seventy (70%) of the Display Window Area between two (2) feet above Grade and eight (8) feet above Grade of Retail Uses, and fifty percent (50%) of the Display Window Area between three (3) feet above Grade and eight (8) feet above Grade of Service Uses and Trade Uses, shall be glazed and transparent. Article 11 of this code applies to any painting or signs on the Display Window Area. That portion of the Display Window Area required by this section to be transparent glazing shall not be obstructed by more than fifty percent (50%) by signs on or behind such glazing.
- (2) **Display Window Area Usage.** To a depth of at least two (2) feet behind the Display Window Area there shall be: (a) an area for the display of goods and services available for purchase on the premises; or (b) an area for exhibits and announcements; provided, however, that no such areas shall be required in the case of a display window that provides pedestrians with a view of the Retail, Service Uses, or Trade Uses, as the case may be, being conducted on the premises.

MISCELLANEOUS PROVISIONS

SECTION 50-43. Off-street Parking and Loading Requirements. For any Proposed Project subject to or electing to comply with the provisions of Article 31, required off-street parking spaces and off-street loading facilities shall be determined through development review in accordance with the provisions of Article 31. For any other Proposed Projects, the minimum required off-street parking spaces are as set forth in Table A and the minimum required off-street loading spaces are as set forth in Table H.

1. Uses Not Divided into Dwelling Units. For the purposes of Table H, where a use is not divided into dwelling units:
 - (a) if sleeping rooms have accommodations for not more than two persons, each two sleeping rooms shall constitute a Dwelling Unit;
 - (b) if sleeping rooms have accommodations for more than two people, each four beds shall constitute one Dwelling Unit.
2. Outdoor Uses. For the purpose of computing required off-street parking spaces, where a main use on a Lot is an open-air use not enclosed in a Structure, the area of the part of the Lot actually devoted to such use shall constitute floor area.
3. Pre-Code Structures. If a Structure existing on the effective date of this Article is altered or extended so as to increase its gross floor area or the number of dwelling units, only the additional gross floor area or the additional number of dwelling units shall be counted in computing the off-street parking facilities required.

4. Mixed Uses. If a Lot includes multiple uses, then the required number of off-street parking spaces for such Lot shall be the total of the required number of off-street parking spaces for each use and the required number of off-street loading spaces shall be the total of the required number of off-street loading spaces for each use; provided, however, that, subject to the provisions of Sections 6-2, 6-3, and 6-4 and after public notice and hearing, the Board of Appeal may permit a reduction in the total number of required off-street parking spaces if the Board of Appeal determines that so-called "shared parking" arrangements, in which a single parking space may be counted for different uses whose peak parking use periods are not coincident, will adequately meet the parking demand associated with the Proposed Project.
5. Location.
 - (a) Except in the case of a Lot serviced by a common parking facility, the off-street parking facilities required by this Section shall be provided on the same Lot as the main use to which they are accessory; provided, however, that if the Board of Appeal shall be of the opinion that this is impractical with respect to a particular Lot, said Board, after public notice and hearing and subject to the provisions of Sections 6-2, 6-3, and 6-4, may grant permission for such facilities to be on another Lot in the same ownership in either of the following cases: (1) where the main use on the particular Lot is for Residential Uses and the other lot is within four hundred feet of the particular Lot; and (2) where the

main use on the particular lot is for Non-Residential Uses and the other lot is within twelve hundred feet of the particular lot.

- (b) After public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal may grant permission for a common parking facility cooperatively established and operated to service two or more uses of the same or different types; provided, that there is a permanent allocation of the requisite number of spaces for each use and that the total number of spaces is not less than the aggregate of the numbers required for each use or the Board of Appeal may permit a reduction in the total number of required off-street parking spaces if the Board of Appeal determines that "shared-parking" arrangements, in which a single parking spaces be counted for different uses which peak parking use periods are not coincident, will adequately meet the parking demand associated with the Proposed Project.

6. Design. All off-street parking facilities provided to comply with this Article shall met the following specifications:

- (a) Such facilities shall have car spaces to the number specified by this Article, maneuvering areas and appropriate means of vehicular access to a street, and shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic; and all lighting shall be so arranged as to shine downward and away from streets and residences.

- (b) Such facilities, whether open or enclosed in a structure, shall be so graded, surfaced, drained and maintained as to prevent water and dust therefrom going upon any street or another Lot.
- (c) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling or servicing of any kind.
- (d) Each car space shall be located entirely on the Lot and fifty percent of which may be no less than seven feet in width and eighteen feet in length, and the remainder shall be no less than eight and one half feet in width and twenty feet in length, in both instances exclusive of maneuvering areas and access drives.

7. **Maintenance.** All off-street parking facilities provided to comply with this Article shall be maintained exclusively for the parking of motor vehicles so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

SECTION 50-44. Application of Dimensional Requirements.

1. **Exceptions to Minimum Lot Size Requirements.** If the requirements of this Article with respect to Open Space and to front, rear and side yards are met, the Minimum Lot Size and Minimum Lot Width requirements of this Article shall not prevent the construction, reconstruction or alteration of a single family dwelling on any Lot assessed as a separate parcel or in separate ownership of record (by plan or deed) at the time this code takes

effect; provided, however, that the foregoing provisions of this section shall not apply to any two or more contiguous lots in a single ownership at or subsequent to said time where a redivision could create one or more lots meeting the Minimum Lot Size and Minimum Lot Width requirements except that, if the Board of Appeal determines that such a redivision cannot reasonably be made without creating or continuing one or more lots not meeting such requirements, said Board may grant permission for the construction of a single family dwelling on a Lot not meeting such requirements except that said Board shall not grant such permission for

- (1) any Lot not meeting three fourths of the Minimum Lot Size requirements unless more than one half of the lots within the same Block have Buildings erected thereon and do not meet three fourths of such requirements, or
- (2) any Lot not meeting three fourths of the Minimum Lot Width requirements unless more than one half of the lots within the same Block have Buildings erected thereon and do not meet three fourths of such requirements.

2. **Conformity with Existing Building Alignment.** If at any time in the same Block as a Lot required by this Article code to have a Minimum Front Yard there exist two or more buildings fronting on the same side of the same street as such Lot, instead of the Minimum Front Yard depth specified in this Article, the Minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block.
3. **Traffic Visibility Across Corner.** Whenever a Minimum Front Yard is required and the Lot is a Corner Lot, no Structure or planting interfering

with traffic visibility across the corner or higher, in any event, than two and one-half feet above the curb of the abutting Street shall be maintained within that part of the required Front Yard which is within the triangular area formed by the abutting side lines of the intersecting streets and a line joining points on such lines thirty feet distant from their point of intersection.

4. **Front Wall of Building Not Parallel to Front Lot Line.** If the front wall of a Building is not parallel to the front Lot line, but the average distance between such wall and such lot line is no less than the minimum Front Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three fourths of the minimum Front Yard depth so otherwise required, the requirements of this Article shall be deemed to be met.
5. **Special Provisions for Corner Lots.** If a Lot abuts on more than one street, the requirements for Front Yards shall apply along every Street Line except as otherwise provided below. The Front Yard requirements of this code, and not the Side Yard requirements of this Article, shall apply to that part of a side Lot Line which is also a Street Line extending more than one hundred feet from the intersection of such line with another Street.
6. **Side Wall of Building Not Parallel to Side Lot Line.** If the side wall of a Building is not parallel to the side Lot Line nearest to it, but the average distance between such wall and such Lot Line is no less than the minimum Side Yard width otherwise required by this Article, and the distance between

such wall and such lot line is at no point less, in the case of a side Lot Line which is not also a Street Line, than three-fourths of the minimum side yard width so otherwise required, and in the case of a side Lot Line which is also a Street Line, than one-half of the minimum Side Yard width so otherwise required, the requirements of this Article shall be deemed to be met.

7. **Side Yards of Certain Narrow Lots.** For each full foot by which a Lot existing at the time this Article takes effect is narrower than the minimum Lot Width specified for such lot in this code, or, if no minimum Lot Width is so specified, than fifty feet, one and one half inches shall be deducted from the width otherwise required by this Article for each Side Yard thereof; provided that in no event shall either Side Yard of any such Lot in a Residential Subdistrict be less than eight feet wide, or in any other district less than six feet wide. No Side Yard in which there is a driveway providing access to off-street parking, or off-street loading, facilities required by this Article shall be less than ten feet in width.
8. **Accessory Buildings in Rear Yards.** Accessory buildings may be erected in a Rear Yard; provided that no such Building is more than fifteen feet in height or nearer than four feet to any Side Lot Line.
9. **Rear Wall of Building Not Parallel to Rear Lot Line.** If the rear wall of a Building is not parallel to the rear Lot Line and the rear lot line is not also a Street Line, but the average distance between such wall and such Lot Line is no less than the minimum rear yard depth otherwise required by this

Article, and the distance between such wall and such lot line is at no point less than three fourths of the minimum rear yard depth so otherwise required, the requirements of this Article shall be deemed to be met.

10. **Rear Yards of Through Lots.** The Front Yard requirements of this code, and not the Rear Yard requirements of this Article, shall apply to that part of a Rear Yard which is also a Street Line except in the case of a Rear Yard which abuts a street less than twenty feet in width.
11. **Rear Yards of Certain Shallow Lots.** For each full foot by which a Lot existing at the time this Article takes effect is less than one hundred feet deep, six inches shall be deducted from the depth otherwise required by this Article for the Rear Yard thereof; provided that in no event shall the Rear Yard of any such Lot be less than ten feet deep.
12. **Underground Encroachments in Yards.** In any district, any garage or other accessory structure erected underground within any rear yard or side yard required by this code, including the piers, railings and parapets thereof, shall not extend more than five feet above grade level.
13. **Two or More Dwellings on Same Lot.** Where a dwelling (other than a temporary dwelling) designed for occupancy or occupied by one or more families is on the same lot as, and to the side of, another dwelling or other Main Building, the distance between such dwelling and such other dwelling and/or building shall be not less than twice the minimum Side Yard depth required by this Article for such other dwelling or Main Building; and the

requirements of this Article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard and Side Yards, shall apply as if such dwelling were on a separate lot. A dwelling shall not be built to the rear of another dwelling, accessory building, or Main Building. After public notice and hearing and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for a variation from the requirements of this section if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this section were met.

14. **Two or More Buildings on One Lot.** If on one lot there are two or more Main Buildings or dwellings, including temporary dwellings, the yard requirements of this Article shall apply at each actual lot line and not as if each Building were on a separate Lot.

SECTION 50-45. Nonconformity as to Dimensional Requirements. A Building or use existing on the effective date of this Article and not conforming to the applicable dimensional requirements specified in other provisions of this Article, may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.

SECTION 50-46. Regulations. The Boston Redevelopment Authority may promulgate regulations to administer this article.

SECTION 50-47. Severability. The provisions and requirements of this article are severable, and if any such requirements or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision or requirement of this article.

SECTION 50-48. Appendices. The following appendices are attached to and are hereby made part of this article:

Appendix A: Tables A-G.

APPENDIX A

TABLE A

Roxbury Neighborhood District Use Regulations

	Economic Development Areas			Neighborhood		Community Facilities Subdistricts	Industrial Development Areas
	Greater Roxbury Bsmt. & First Story	Second Story & Above	Dudley Square Bsmt. & First Story	Second Story & Above	Shopping Bsmt. & First Story	Second Story & Above	
<u>Banking and Postal Uses</u>							
Automatic teller machine Bank	A	A	A	A	A	A	A
Check cashing business	A	A	A	A	A	C	A
Drive-in Bank	F	F	F	F	C	C	C
Post office	A	A	A	A	A	C	C
<u>Community Uses</u>							
Adult education center	A	A	A	A	C	A	C
Community center	A	A	A	A	C	A	C
Library	A	A	A	A	C	A	A
Place of worship	A	A	A	A	A	A	A
Residence for members of religious order	A	A	A	A	C	A	A
<u>Cultural Uses</u>							
Art gallery							
Art metal craft shop					C	A	C
Auditorium					C	C	C
Museum					C	C	C
Music store					C	C	C
Musical instrument repair					C	C	C
Public art, display space					C	C	C
Studios, arts					F	C	C
Studios, production					F	C	C
Theatre					F	C	C
Ticket sales					F	C	C

	Economic Development Areas			Neighborhood Shopping Subdistricts			Community Facilities Subdistricts	Industrial Development Areas
	Greater Roxbury	Dudley Square		Bsmt. & First Story	Second Story & Above	Bsmt. & First Story		
	Bsmt. & First Story	Second Story	Second Story & Above	Bsmt. & First Story	Second Story	Second Story & Above		

Dormitory and Fraternity Uses

Dormitory not accessory to a use
Fraternity

F
F

Educational Uses

Day care center
Elementary or secondary school
Kindergarten
Trade school

A
A
A
A

Elderly Care Uses

Convalescent home
Elderly day care center
Home for the aged

F
F
F

Entertainment Uses

Bar
Bowling alley
Billiard parlor
Commercial establishment operating amusement game machines
Concert hall or dance hall
Drive-in theatre
Non-commercial establishment operating amusement game machines

F
F
F
F
F
F
F

	Economic Development Areas				Neighborhood			Community Facilities Subdistricts	Industrial Development Areas
	Greater Roxbury		Dudley Square		Shopping Subdistricts				
	Bsmt. Story	Second Story & Above	Bsmt. Story	Second Story & Above	Bsmt. Story	Second Story & Above			
<u>Entertainment Uses (Cont'd)</u>									
Private club	A	A	A	A	F	A	F	C	
Restaurant with entertainment	C	C	C	C	F	F	F	A	
Social, recreational, or sports center	A	A	A	A	F	C	F	C	
<u>Funerary Uses</u>									
Cemetery	A	A	C	C	C	C	F	F	
Cemetery extension	A	A	C	C	C	C	F	F	
Columbarium	A	A	C	C	C	C	F	F	
Crematory	A	A	C	C	C	C	F	F	
Funeral home	A	A	C	C	C	C	F	F	
Mortuary chapel	A	A	C	C	C	C	F	F	
<u>Hotel Uses</u>									
Apartment hotel	A	A	C	C	F	F	F	F	
Bed and Breakfast	A	A	C	C	F	F	F	F	
Executive Suites	A	A	C	C	F	F	F	F	
Hotel	A	A	C	C	F	F	F	F	
Motel	A	A	C	C	F	F	F	F	
<u>Industrial Uses</u>									
Art use	A	A	A	A	A	A	A	A	
Artists' mixed-use	F	F	F	F	F	F	F	A	
Cleaning plant	F	F	F	F	F	F	F	A	
General manufacturing use	F	F	F	F	F	F	F	A	
Industrial use	F	F	F	F	F	F	F	A	
Light manufacturing use	F	F	F	F	F	F	F	A	
Restricted industrial use	F	F	F	F	F	F	F	A	

	Economic Development Areas				Neighborhood			Community Facilities Subdistricts	Industrial Development Areas
	Greater Roxbury		Dudley Square		Shopping Subdistricts		Second Story & Above		
	Bsmt. Story	Second Above	Bsmt. Story	Second Above	Bsmt. Story	Second Above			
<u>Institutional Uses</u>									
Clinic	A	A	A	A	C	A	C	C	C
Custodial care	C	C	C	C	C	C	C	C	F
Group Care, General	C	C	C	C	C	C	C	C	F
Hospital	C	C	C	C	C	C	F	C	C
Penal institution	F	F	F	F	F	F	F	F	F
Scientific teaching laboratory	C	C	C	C	C	C	F	C	A
University	C	C	C	C	C	C	F	C	F
<u>Office Uses</u>									
Agency or professional office	A	A	A	A	C	A	F	A	A
General office	A	A	A	A	C	A	F	F	A
<u>Open Space Uses</u>									
Golf driving range	F	F	F	F	F	F	F	F	C
Grounds for sports, private	F	F	F	F	F	F	F	A	C
Open space	A	A	A	A	A	A	A	A	A
Open space recreational building	A	A	A	A	A	A	C	A	C
Outdoor place of recreation for profit	F	F	F	F	F	F	F	C	C
Stadium	F	F	F	F	F	F	F	F	C
<u>Public Service Uses</u>									
Automatic telephone exchange	A	A	A	A	C	A	C	A	A
Fire station	A	A	A	A	C	A	C	A	A
Police station	A	A	A	A	C	A	C	A	A
Pumping station	A	A	A	A	C	A	C	A	A
Recycling facility	C	C	C	C	C	C	C	A	A

	Economic Development Areas				Neighborhood Shopping Subdistricts				Community Facilities Subdistricts	Industrial Development Areas
	Greater Roxbury		Dudley Square		Shopping Subdistricts					
	Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above		

Public Service Uses (Cont'd)

Solid waste transfer station
Sub-station
Telephone exchange

F	F	F	F	F	F	F	F	C
C	C	C	C	C	C	C	A	A
C	C	C	C	C	C	C	A	A

Research and Development Uses

Basic research
Biomedical technology
Pharmaceutical research and
development
Product development or
prototype manufacturing
Research and development
Research and medical
laboratories

A	A	A	A	A	F	A	F	A
A	A	A	A	A	F	A	F	A
A	A	A	A	A	F	A	F	A
A	A	A	A	A	F	A	F	A
A	A	A	A	A	F	A	F	A
A	A	A	A	A	F	A	F	A

Residential Uses

Group Care, Limited
Homeless shelter
Lodging house
Mobile home
Mobile home park
Multi-family dwelling
One family detached
dwelling
One family row house
One family semi-
attached dwelling

A	A	A	C	A	C	A	A	F
A	A	A	C	A	C	A	A	F
A	A	A	C	A	C	A	A	F
A	A	A	C	A	C	A	A	F
A	A	A	C	A	C	A	A	F
A	A	A	C	A	C	A	A	F
A	A	A	C	A	C	A	A	F
A	A	A	C	A	C	A	A	F
A	A	A	C	A	C	A	A	F

	Economic Development Areas				Neighborhood		Community Facilities Subdistricts	Industrial Development Areas
	Greater Roxbury		Dudley Square		Shopping Subdistricts			
	Bsmt. Story	Second Story & Above	Bsmt. Story	Second Story & Above	Bsmt. Story	Second Story & Above		
<u>Residential Uses (Cont'd)</u>								
Temporary dwelling structure	C	C	C	C	C	C	C	F
Three family detached dwelling	A	A	C	A	C	A	A	F
Transitional housing	A	A	C	A	C	A	A	F
Two family detached dwelling	A	A	C	A	C	A	A	F
Two family row house	A	A	C	A	C	A	A	F
<u>Restaurant Uses</u>								
Drive-in restaurant	C	F	F	F	F	F	F	A
Restaurant	A	A	A	A	A	F	F	A
Take-out restaurant								
Small	A	C	A	C	A	F	F	A
Large	C	C	C	C	C	F	F	A
<u>Retail Uses</u>								
General retail business	A	A	A	A	A	A	F	A
Liquor store	C	F	C	F	C	F	F	A
Local retail business	A	A	A	A	A	C	F	A
Outdoor sale of garden supplies	A	A	A	A	A	A	F	A
<u>Service Uses</u>								
Animal hospital	C	C	C	C	C	C	F	C
Barber or beauty shop	A	A	A	A	A	A	F	A
Caterer's establishment	A	A	A	A	A	A	F	A
Dry-cleaning shop	A	A	A	A	A	A	F	A
Kennel	A	A	A	A	A	A	F	A
Laundry	A	A	A	A	A	A	F	A
Repair garage	C	F	C	F	F	C	F	C
Self-service laundry	A	A	A	A	A	A	F	A
Shoe repair	A	A	A	A	A	A	F	A
Tailor shop	A	A	A	A	A	A	F	A

	Economic Development Areas			Neighborhood		Community Facilities Subdistricts	Industrial Development Areas
	Greater Roxbury		Dudley Square	Shopping	Second		
	Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above			
<u>Storage Uses</u>							
Outdoor storage of new materials	F	F	F	F	F	F	A
Outdoor storage of damaged vehicles	F	F	F	F	F	F	A
Outdoor storage of junk and scrap	F	F	F	F	F	F	A
Storage of certain materials	F	F	F	F	F	F	A
Storage of flammable liquids and gases	F	F	F	F	F	F	A
Warehousing	F	F	F	F	F	F	A
Wrecking yard	F	F	F	F	F	F	A
<u>Trade Uses</u>							
Carpenters shop	A	A	A	C	C	F	A
Electrician's shop	A	A	A	C	C	F	A
Photographer's studio	A	A	A	C	C	F	A
Plumber's shop	A	A	A	C	C	F	A
Printing plant	A	A	A	C	C	F	A
Radio/television repair	A	A	A	C	C	F	A
Taxidermist shop	A	A	A	C	C	F	A
Upholsterer's shop	A	A	A	C	C	F	A
<u>Transportation Uses</u>							
Airport	F	F	F	F	F	F	F
Bus terminal	A	A	A	F	F	F	F
Helicopter landing facility	F	F	F	F	F	F	C
Motor freight terminal	F	F	F	F	F	F	C
Rail freight terminal	F	F	F	F	F	F	F
Railroad passenger station	C	C	C	F	F	F	F
Water terminal	F	F	F	F	F	F	F

	Economic Development Areas				Neighborhood		Community Facilities Subdistricts	Industrial Development Areas
	Greater Roxbury		Dudley Square		Shopping Subdistricts	Second Story & Above		
	Bsmt. Story	Second Story & Above	Bsmt. Story	Second Story & Above				
<u>Vehicular Uses</u>								
Carwash	C	F	C	F	F	C	F	A
Gasoline station	C	F	C	F	F	C	F	A
Indoor sale and installation of automotive parts	C	F	C	F	F	C	F	A
Indoor sale of automobiles and trucks	C	F	C	F	F	C	F	F
Outdoor sale of new and used vehicles	C	F	C	F	F	C	F	A
Parking garage	A	A	C	C	F	C	C	C
Parking lot	C	-	C	C	F	C	C	C
Rental agency for trailers	C	C	C	C	F	C	F	C
Rental agency for vehicles	C	C	C	C	F	C	F	C
Truck or bus servicing	C	F	F	F	F	C	F	F
<u>Wholesale Uses</u>								
Office of wholesale business	C	C	C	C	F	F	F	A
Wholesale business	C	C	C	C	F	F	F	A
<u>Accessory and Ancillary Uses</u>								
Accessory amusement game machines in commercial establishment	C	C	C	C	A	A	F	F
Accessory amusement game machines in commercial establishment serving alcoholic beverages	C	C	C	C	F	F	F	F
Accessory amusement game machines in a non-commercial establishment	C	C	C	C	A	A	F	F
Accessory art use	A	A	A	A	A	A	A	A
Accessory automatic teller machine	A	A	A	A	A	A	A	A
Accessory berthing	F	F	F	F	F	F	F	F

	Economic Development Areas			Neighborhood			Community Facilities Subdistricts	Industrial Development Areas
	Greater Roxbury		Dudley Square	Shopping Subdistricts				
	Bsmt. Story	Second Story & Above	Bsmt. Story	Second Story & Above	Bsmt. Story	Second Story & Above		

Accessory and Ancillary Uses (Cont'd)

Accessory clinic or offices for hospital	F	F	F	F	F	F	C	C
Accessory dormitory	F	F	F	F	F	F	F	F
Accessory family day care home	A	A	A	A	A	A	A	F
Accessory home occupation	A	A	A	A	A	A	F	F
Accessory industrial use	F	F	F	F	F	F	F	C
Accessory keeping of animals	F	F	F	F	F	F	F	F
Accessory keeping of laboratory animals	F	F	F	F	F	F	C	A
Accessory machine shop	F	F	F	F	F	F	C	A
Accessory manufacture of products	F	F	F	F	F	F	F	A
Accessory outdoor cafe	A	A	A	A	C	A	F	F
Accessory parking	A	A	A	A	A	A	A	A
Accessory personnel quarters	A	A	A	A	A	A	F	F
Accessory professional office in a dwelling	A	A	A	A	A	A	F	F
Accessory railroad storage yard	F	F	F	F	F	F	F	F
Accessory repair garage	F	F	F	F	F	F	F	A
Accessory scientific teaching laboratory	C	C	C	C	F	C	C	C
Accessory services for apartment and hotel residents	A	A	A	A	F	F	F	F
Accessory services incidental to educational institutions and hospitals	C	C	C	C	F	F	C	C
Accessory storage of flammable liquids	A	A	A	A	A	A	C	A
Accessory swimming pool or tennis court	A	A	A	A	A	A	F	F

	<u>Economic Development Areas</u>			<u>Neighborhood Shopping Subdistricts</u>		<u>Community Facilities Subdistricts</u>	<u>Industrial Development Areas</u>
	<u>Greater Roxbury</u>	<u>Dudley Square</u>		<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>		
	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>	<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>			
	<u>Accessory and Ancillary Uses (Cont'd)</u>						
Accessory use ordinarily incident to a main use	A	A	A	A	A	A	A
Accessory wholesale business	C	C	C	C	C	F	A
Ancillary use	C	C	C	C	C	C	C

Table B

**Roxbury Neighborhood District
Residential Subdistricts Use Regulations**

	<u>Two Family</u>	<u>Residential</u>	<u>Rowhouse</u>	<u>Multifamily Residential</u>	<u>Multifamily Residential/ Convenience</u>
<u>Banking and Postal Uses</u>					
<u>Community Uses</u>					
Place of worship	A	A	F	A	A
Residence for members of religious order	A	A	F	A	A
All others	C	C	F	A	A
<u>Cultural Uses</u>					
<u>Dormitory/Fraternity Uses</u>	F	F	F	C	C
<u>Educational Uses</u>					
Day care center	C	C	C	C	C
Elementary or secondary school	A	A	F	A	A
Kindergarten	C	C	C	A	A
Trade School	F	F	F	C	C
<u>Elderly Care Uses</u>					
Elderly day care center	C	C	C	C	C
All others	F	F	F	C	C
<u>Entertainment Uses</u>	F	F	F	F	F
<u>Funerary Uses</u>					
Funeral home	F	F	F	C	C
All others	C	C	F	C	C

	<u>Two Family</u>	<u>Residential</u>	<u>Rowhouse</u>	<u>Multifamily Residential</u>	<u>Multifamily Residential/ Convenience</u>
<u>Hotel Uses</u>					
Bed and Breakfast	C	C	C	C	C
All others	F	F	F	C	C
<u>Industrial Uses</u>					
	F	F	F	F	F
<u>Institutional Uses</u>					
Group Care, General	C	C	F	C	C
All others	F	F	F	C	C
<u>Office Uses</u>					
	F	F	F	F	F
<u>Open Space Uses</u>					
Open space ¹	A	A	A	A	A
Open space recreational building ¹	C	C	F	C	C
<u>Public Service Uses</u>					
Courthouse ¹	C	C	F	C	C
Fire station ¹	C	A	F	A	A
Police station ¹	C	A	F	A	A
All others	F	C	F	C	C
<u>Research and Development Uses</u>					
	F	F	F	C	C

	<u>Two Family</u>	<u>Residential</u>	<u>Rowhouse</u>	<u>Multifamily Residential</u>	<u>Multifamily Residential/ Convenience</u>
<u>Residential Uses</u>					
Group Care, Limited	A	A	A	A	A
Homeless shelters	F	A	A	A	A
Lodging house	F	C	C	C	C
Multi-family dwelling	F	A	C	A	A
One family detached dwelling	A	A	F	A	A
One family row house	F	F	A	F	F
One family semi-attached dwelling	F	A	A	A	A
Temporary dwelling structure	C	C	C	C	C
Three family dwelling	F	A	A	A	A
Transitional housing	F	A	A	A	A
Two family detached dwelling	A	A	F	A	A
Two family row house	F	F	A	A	A
<u>Restaurant Uses</u>	F	F	F	C*	C*
<u>Retail Uses</u>	F	F	F	C*	A*
<u>Service Uses</u>	F	F	F	C*	A*
<u>Storage Uses</u>	F	F	F	F	F
<u>Transportation Uses</u>	F	F	F	F	F
<u>Vehicular Uses</u>	F	F	F	F	F
<u>Wholesale Uses</u>	F	F	F	F	F

<u>Ancillary and Accessory Uses</u>	<u>Two Family</u>	<u>Residential</u>	<u>Rowhouse</u>	<u>Multifamily Residential</u>	<u>Multifamily Residential/ Convenience</u>
Accessory art use	A	A	A	A	A
Accessory ATM	F	F	F	A	A
Accessory clinic or offices for hospital	F	F	F	C	C
Accessory dormitory	F	F	F	C	C
Accessory family day care home	A	A	A	A	A
Accessory home occupation	A	A	A	A	A
Accessory machine shop	F	F	F	C	C
Accessory outdoor cafe	F	F	F	C	C
Accessory parking	A	A	A	A	A
Accessory personnel quarters	F	F	F	C	C
Accessory professional office in a dwelling	A	A	A	A	A
Accessory scientific teaching laboratory	F	F	F	C	C
Accessory services for apartment and hotel residents	F	F	F	C	C
Accessory services incidental to educational institutions and hospitals	F	F	F	C	C
Accessory storage of flammable liquids	A	A	A	A	A
Accessory swimming pool or tennis court	A	A	A	A	A
Accessory use ordinarily incident to a main use	A	A	A	A	A
Ancillary use	C	C	C	C	C

* Provided such use is located on the ground floor.

1. The requirements of St. 1956, c.665, s.2, where apt, are met.
2. Except penal institution is forbidden.
3. Except solid waste transfer station is forbidden.

Table C

Roxbury Neighborhood District

Economic Development Area Dimensional Regulations

	<u>Dudley EDA</u>	<u>Greater Roxbury EDA</u>
Maximum Floor Area Ratio	2.0	2.0
Maximum Building Height	55(1)	65(1)
Minimum Lot Size	none	none
Minimum Usable Open Space per Dwelling Unit	none	50
Minimum Lot Width	none	none
Minimum Lot Frontage	none	none
Minimum Front Yard	none (2)	none (2)
Minimum Side Yard	none	none
Minimum Rear Yard	20	20

Footnotes:

1. See Section __ - __, which describes maximum building heights of areas of the Dudley and Greater Roxbury EDA.
2. See Section 50-44.2, Conformity with Existing Building Alignment.

Table D

Roxbury Neighborhood District

Neighborhood Business Subdistricts Dimensional Regulations (1)

	<u>Egleston Square NSD</u>	<u>Grove Hall NSD</u>	<u>Washington Park Mall NSD</u>	<u>St. Patrick's NSD</u>
Maximum Floor Area Ratio	1.0	1.0	1.0	1.0
Maximum Building Height	(2)	(2)	(2)	(2)
Minimum Lot Size	none	none	none	none
Minimum Lot Area Per Dwelling Unit	none	none	none	none
Minimum Usable Open Space (3) per Dwelling Unit	50	50	50	50
Minimum Lot Width	none	none	none	none
Minimum Lot Frontage	none	none	none	none
Minimum Front Yard (5)	none (4)	none (4)	none (4)	none (4)
Minimum Side Yard (6)	none	none	none	none
Minimum Rear Yard	20	20	20	20

Footnotes:

1. See Section _____.
2. The second numeral in the subdistrict designation shown in the zoning maps is the Maximum Building Height in feet for such subdistrict.
3. In a Neighborhood Business Subdistrict, all or a portion of required usable open space may be met by suitably designed and accessible space on balconies of main buildings or on roofs of wings of main buildings, or on the roofs of accessory buildings.

4. See Section _____, Street Wall Continuity.

5. In a required front yard in a Neighborhood Business Subdistrict, no plaza, terrace or public access to a basement (other than required by the State Building Code) shall be below the grade of the nearest sidewalk unless, after public notice and hearing and subject to the provisions of Article 6, the Board of Appeal grants a permit therefor.

In a Neighborhood Business Subdistrict, every front yard required by this code shall, along every lot line on which such yard abuts, be at grade level; and every rear yard so required and every side yard so required which does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than the level of the lowest window sill in the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.

6. In a Neighborhood Business Subdistrict, no side yard is required except in the case of a lot with a side lot line abutting a Residential Subdistrict, which shall have side yards as if it were in such abutting district.

Table E

Roxbury Neighborhood District

Community Facilities and Institutional Subdistricts Dimensional Regulations (1)

	<u>Campus High/ Community College</u>	<u>Dimock Street</u>	<u>NCAAA</u>	<u>Warren Street</u>	<u>Jewish Memorial Hospital</u>	<u>BCH</u>
Maximum Floor Area Ratio	2.0	2.0	2.0	2.0	2.0	2.0
Maximum Building Height	(2)	(2)	(2)	(2)	(2)	(2)
Minimum Lot Size	none	none	none	none	none	none
Minimum Lot Area Per Dwelling Unit	none	none	none	none	none	none
Minimum Usable Open Space per Dwelling Unit	50	50	50	50	50	50
Minimum Lot Width	none	none	none	none	none	none
Minimum Lot Frontage	none	none	none	none	none	none
Minimum Front Yard	none (3)	none (3)	none (3)	none (3)	none (3)	none (3)
Minimum Side Yard	none	none	none	none	none	none
Minimum Rear Yard	20	20	20	20	20	20

Footnotes:

1. See Section
2. The second numeral in the subdistrict designation shown in the zoning maps is the Maximum Building Height in feet for such subdistrict.
3. See Section 50-44.2, Conformity with Existing Building Alignment.

**Roxbury Neighborhood District
Residential Subdistricts Dimensional Regulations**

Subdistrict	Lot Size (Square Feet)	Additional lot size for each additional dwelling unit (square feet)	Lot Frontage ³ (Feet)	Floor Area Ratio Maximum	Building Height Maximum Stories	Usable Open Space ⁴ (square feet per dwelling Unit)	Front ⁵ Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)	Rear Yard maximum occupancy by accessory building (Percent)
<u>2E</u>	5,000	N/A	50	0.6	2	800	20	10	30	25
<u>3E¹</u>										
4,000 zone	4,000	2,000 ²	45	0.8	3	650	20	10	30	25
5,000 zone	5,000	2,500 ²	50	0.8	3	800	20	10	30	25
6,000 zone	6,000	3,000 ²	55	0.8	3	950	20	10	30	25
7,000 zone	7,000	3,000 ²	60	0.8	3	950	25	12	35	25
8,000 zone	8,000	3,000 ²	60	0.8	3	950	25	12	35	25
<u>BH</u>	2,000	N/A	20	1.0	3	400	(6)	10(7)	20	25
<u>MFR</u>										
Row House	3,000	N/A	30	1.0	4	400	20	10(7)	30	25
Any Other Dwelling or use	5,000	1,000	50	1.0	4	400	20	10	30	25

1. See map, in a or subdistrict in which the subdistrict designation is preceded by a numeral, the maximum number of Dwelling Units allowed in a Dwelling or in a row of Row Houses shall be such numeral; any greater number shall be conditional.

2. Applicable to additional dwelling unit over two dwelling units.
3. See Section 50-34.4, Lot Frontage.
4. Applicable only to Residential Uses, Dormitory/Fraternity Uses, Elderly Care Uses. In a MFR Subdistrict, all or part of the usable open space requirement may be met by suitably designed and accessible space on balconies of Main Buildings or on the roofs of wings of Main Buildings or on the roofs of Accessory Buildings.
5. See Section 50-44.2, Conformity with Existing Building Alignment. A bay window may protrude into a front yard.
6. See Section 50-44.2, Conformity with Existing Building Alignment.
7. Semi-attached and row houses dwellings are only required to have side yards on sides that are not attached to another Dwelling or other Main Building.

Table G

Roxbury Neighborhood District

Industrial Development Area Dimensional Regulations (1)

	Newmarket IDA	Harrison Avenue IDA	Grove Hall IDA
Maximum Floor Area Ratio	2.0	2.0	2.0
Maximum Building Height	(2)	(2)	(2)
Minimum Lot Size	none	none	none
Minimum Lot Area Per Dwelling Unit	none	none	none
Minimum Usable Open Space per Dwelling Unit	50	50	50
Minimum Lot Width	none	none	none
Minimum Lot Frontage	none	none	none
Minimum Front Yard	none (3)	none (3)	none (3)
Minimum Side Yard	none	none	none
Minimum Rear Yard	20	20	20

Footnotes:

1. See Section
2. The second numeral in the subdistrict designation shown in the zoning maps is the Maximum Building Height in feet for such subdistrict.
3. See Section 50-44.2, Conformity with Existing Building Alignment.

Table H

General Uses

(Proposed Projects Under 50,000 Square Feet
of Gross Floor Area)

Off Street Parking Requirement
(Spaces per 1,000 Square Feet of Gross Floor Area)

<u>Banking and Postal Uses</u>	1.0
<u>Community Uses</u>	1.0
<u>Educational Uses</u>	
Day Care Center	0.7
Elementary School	0.7
Junior High School (through 10th Grade)	0.7
Kindergarten	0.7
Other Educational Uses	1.0
<u>Industrial Uses</u>	0.5
<u>Institutional Uses</u>	1.0
<u>Office Uses</u>	1.0
<u>Public Service Uses</u>	
Police Station	1.0
Fire Station	1.0
All other Public Service Uses	0
<u>Research and Development Uses</u>	0.5
<u>Retail Uses</u>	2.0
<u>Service Uses</u>	2.0
<u>Storage Uses</u>	0.5
<u>Transportation Uses</u>	0.25
<u>Vehicular Uses</u>	0.5
<u>Wholesale Uses</u>	0.25

Table H

Public Assembly Uses

(Proposed Projects Under 50,000 Square Feet
of Gross Floor Area)

Off Street Parking Requirement

	If there are seats: <u>(spaces per seat*)</u>	If there are no seats (spaces per 1,000 square feet of public floor area in <u>structures</u>)
<u>Entertainment Uses</u>	0.15	4.0
<u>Funerary Uses</u>		
Funeral home	0.1	3.0
Mortuary chapel	0.1	3.0
All other funerary uses	none	none
<u>Places of Worship</u>	0.1	3.0
<u>Restaurant Uses</u>	0.15	4.0

*Where benches are used, each two lineal feet of bench shall constitute one seat.

Table H

Residential and Related Uses

(Proposed Projects Under 50,000 Square Feet of
Gross Floor Area)

	<u>Off Street Parking Requirement (space per dwelling unit)</u>
<u>Dormitory/Fraternity Uses</u>	0.5
<u>Elderly Care Uses</u>	0.5
<u>Hotel Uses</u>	0.7
<u>Residential Uses</u>	
Group Care Limited	0.5
Homeless Shelter	0.25
Lodging House	0.5
Transitional Housing	0.25
Affordable Housing	0.7
Other Residential Uses	1.0

Table H

Off Street Loading Requirements

(Proposed Project Under 50,000 Square Feet of
Gross Floor Area)

<u>Gross Floor Area</u>	<u>Required Off Street Loading Bays</u>
0-15,000 square feet	0
15,000-50,000 square feet	1.







1000



